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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/068,443 | 02/06/2002 | Robert T. Love | CE08897R | 9547 |
| 22917 | 7590 | 06/14/2006 | EXAMINER | |
| MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196 | | | DYKE, KERRI M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/068,443 | | LOVE ET AL. | |
| | Examiner | | Art Unit | |
| | Kerri M. Dyke | | 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 20-25 is/are allowed.
- 6) ☒ Claim(s) 10, 11, 19 and 26 is/are rejected.
- 7) ☒ Claim(s) 12-18 and 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/20/02, 5/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 11, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (GB 2,348,087 A, provided by applicant).
4. In regards to claim 10, Burton discloses a method for receiving data in a wireless communication system comprising steps of: receiving data over a control channel to produce received data; determining an energy metric for the received data; comparing the determined energy metric to a threshold; and ignoring the received data when the energy metric compares unfavorably with the threshold. Paragraph 2 on page 3 discloses comparing an energy metric of received data and erasing the data if the comparison is unfavorable. Burton does not disclose the channel as a control channel, but it would have been obvious to one of ordinary skill in the art to apply the method to traffic and control channels because it is at least equally important to ensure correct reception of control channels as traffic channels. If control information is not correctly received then data on the traffic channel cannot be properly decoded.

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5. In regards to claim 11, Burton discloses the method of claim 10, wherein the received data comprises a frame and wherein the step of determining an energy metric comprises a step of computing an energy corresponding to a data field of the frame. Page 2 discloses using frames. Pages 3-4 disclose the energy metric is based upon PBER, which is calculated from the data field of the frame.

6. In regards to claim 19, Burton discloses the method of claim 10, but not wherein the control channel is a shared control channel. It would have been obvious to one of ordinary skill in the art to apply the method to traffic and control channels because it is at least equally important to ensure correct reception of control channels as traffic channels. If control information, regardless of whether the control channel is dedicated or shared, is not correctly received then data on the traffic channel cannot be properly decoded.

7. Claim 26 is rejected upon the same grounds as claim 10. Claim 26 is a device with a receiver and processor to carry out the method of claim 10. Page 1 discloses a GSM receiver. A GSM receiver inherently includes a processor.

Allowable Subject Matter

8. Claims 1-9 and 20-25 are allowed.

9. Claims 12-18 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Claims 1 and 20 disclose a method and device to determine if shared *control* channel data was correctly received.

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a. Holma (WO 01/03332 A1, provided by applicant) discloses a method ensuring bursts are correctly received. Received bursts are compared to a threshold, which is based on previously received bursts. If the comparison is not favorable the burst is ignored (pg 4 lines 10-24). However, the control channel used to inform the receiver of its training sequence is a dedicated channel. A dedicated channel is not susceptible to the problem that is to be solved by the instant application. Specifically, the receiver cannot decode data meant for another receiver because there is no such other data on a dedicated channel. Claims 1 and 20 specifically state that the received data to be compared is from a *shared control* channel. Holma uses a shared channel and a *dedicated control* channel and therefore does not provide a teaching, suggestion, or motivation to produce the invention of claims 1 or 20.

b. Burton discloses a method of comparing the energy of a received frame to a stored frame. The method may be applied to any channel, i.e. either data or control channels. If the energies differ by more than a threshold value the received frame is erased. Burton does not disclose erasing received data from both a control channel and a data channel if a received frame on one of the channels compares unfavorably to the threshold and is erased.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kellerman discloses using an energy metric to compare received signals. The comparison determines if the received signal is in a message or pause state.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kmd



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